

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

VELENCIA MAIDEN, as Personal )  
Representative of the )  
Estate of CLIFTON DARNELL )  
ARMSTRONG, deceased, )  
Plaintiff, )

VS. )

Case No. CIV-14-413-F

THE CITY OF OKLAHOMA CITY, )  
OKLAHOMA; JEFFREY DUTTON, )  
individually; GREGORY )  
FRANKLIN, individually; )  
MOHAMMED TABAIA, )  
individually; DANIEL )  
HOLTZCLAW, individually, )  
Defendants. )

DEPOSITION OF JEAN GRIFFIN  
TAKEN ON BEHALF OF THE DEFENDANTS  
IN OKLAHOMA CITY, OKLAHOMA  
ON MAY 5, 2015

REPORTED BY: DAVID BUCK, CSR

DEFENDANT'S  
EXHIBIT

4

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1 A. Yes.

2 Q. Okay. Do you remember what you had been  
3 doing that evening before you became aware of  
4 anything going on with your grandson?

5 A. Yes.

6 Q. What, what did you do?

7 A. I had went to choir rehearsal.

8 Q. And where did you go to church?

9 A. New Bethel Baptist Church, 1844 East  
10 Madison.

11 Q. Is that still your church?

12 A. Yes.

13 Q. Do you still sing in the choir?

14 A. Yes.

15 Q. Did you do anything that evening after you  
16 were through with choir practice?

17 A. Yes, my daughter called me.

18 Q. Okay. Do you remember about what time she  
19 called?

20 A. Like about between 9:00 and 9:15.

21 Q. Okay. And when she called you what did she  
22 tell you?

23 A. She asked me to come and take Clifton to  
24 the hospital for her.

25 Q. Okay. Did she say why?

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1 A. She said he was acting strange.

2 Q. Why did she want you to take her to the --  
3 to take him to the hospital as opposed to her doing  
4 it?

5 A. Because she was on her way to work.

6 Q. Where did she work?

7 A. Jefferson Gardens.

8 Q. Okay. Is that an assisted living center?

9 A. Yes.

10 Q. And I guess did she work the night shift?

11 A. Yes.

12 Q. Do you know why she didn't call for an  
13 ambulance to come take him?

14 A. Well, really they had called for an  
15 ambulance. They had called for the ambulance but the  
16 ambulance didn't get there till later.

17 Q. Okay. So before she called you she had  
18 called an ambulance?

19 A. I think they had.

20 Q. Okay.

21 A. Not sure.

22 Q. And it just wasn't getting there fast  
23 enough?

24 A. At any rate, she wanted me to go to the  
25 hospital with him.

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1 Mr. Donnelly?

2 A. The last time I spoke to him? Oh, down at  
3 the police station.

4 Q. Okay. That night after this?

5 A. That night, yes.

6 Q. Okay. You never saw him again after that?

7 A. No, I haven't seen him since.

8 Q. Okay. All right. So you get --

9 A. Can I take that back?

10 Q. You can take it back.

11 A. I saw him during the time after Clifton was  
12 buried. I haven't seen him since he went to Alaska.

13 Q. Okay.

14 A. He was there during the week that we were  
15 preparing for his funeral.

16 Q. Okay. So since he went back to Alaska he's  
17 not somebody that was close that you kept in touch  
18 with?

19 A. No, I didn't keep in touch with him.

20 Q. Okay. Well, you walk in and do you  
21 remember where people were standing?

22 A. Yes. As I come in the door I come in the  
23 door this way and the two officers were standing  
24 there, the couch was right here, Clifton was on the  
25 couch and I came through the door and his mother was

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1 behind him. It was like -- and I looked at Clifton  
2 and I admired him because he looked so good to me.

3 Q. Okay. Let me -- just in case this comes up  
4 later, would you mind just -- and it doesn't have to  
5 be any fancy piece of art, but just kind of describe  
6 what you just showed me on the table.

7 A. I came in the door, went to my left. The  
8 two officers was standing here and right here was the  
9 couch and Clifton was here and his mother was behind  
10 him and I was standing right here. (Indicating.)

11 Q. Okay. Just so this is clear later, can you  
12 mark door where the door is?

13 A. (Indicating.)

14 Q. And can you mark where the two -- just say  
15 two officers.

16 A. (Indicating.)

17 Q. And then put your initials for where you  
18 were.

19 A. (Indicating.)

20 Q. Your daughter's initials for where she was  
21 and Clifton's initials for where he was.

22 A. (Indicating.)

23 Q. Okay. And is that the couch, is that what  
24 you said, that was the couch?

25 A. Yeah, couch.

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1 Q. Can you just draw an arrow to that and say  
2 couch?

3 A. (Indicating.) C-o-y --

4 Q. C-o-u-c-h.

5 Okay. I'm just going to go ahead and mark  
6 that as Defendant's Exhibit 1.

7 (Defendant's Exhibit Number 1 marked for  
8 identification purposes and made part of  
9 the record.)

10 Q. (By Ms. Knight) Okay, thank you, Ms.  
11 Griffin. So that's what you observed when you went  
12 in. And then what happened? You talked to Clifton  
13 and told Clifton he looked good. What did Clifton  
14 say to you?

15 A. Because I was looking at him so hard he  
16 said, it's me, grandma.

17 Q. Okay.

18 A. I told him you really look good and he did.

19 Q. Okay. Did you have any further  
20 conversation with him?

21 A. I said, I thought I was going to take you  
22 to the hospital. He said, oh yeah. I said, are you  
23 going to go with me? He said, yeah, grandma, I'm  
24 going to go. So we stood there for a minute. Then I  
25 got up and went outside to the car and he followed

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1 me. Then he said he wanted to ride in his mother's  
2 car because my car only had two doors and I wanted  
3 him to go in my car because it had two doors. I  
4 forgot her car had child locks. And so we were just  
5 standing there, just standing.

6 Q. Why did the fact that your car had two  
7 doors on it have any bearing on which car you wanted  
8 him to go in?

9 A. My car was a two door car. It was a  
10 Hyundai, black Hyundai. What did you say?

11 Q. Why did it matter how many doors were on  
12 the car?

13 A. After we got in my car and changed his  
14 mind, he was in the backseat, he couldn't get out.

15 Q. Okay.

16 A. Before we got to the hospital.

17 Q. What hospital did you plan on taking him  
18 to?

19 A. I planned on taking him down to St.  
20 Anthony's.

21 Q. They have a mental healthcare --

22 A. Yes.

23 Q. -- part of their hospital?

24 A. Yes, they do.

25 Q. Okay. Had you ever taken him there before?

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1 Q. Were you concerned in any way about his  
2 behavior from what you observed?

3 A. Clifton's behavior?

4 Q. Yes.

5 A. No.

6 Q. Did you have any concerns about his mental  
7 state from your contact with him up to that point?

8 A. No.

9 Q. Okay. What happened next?

10 A. He was standing behind -- between my car  
11 and his mother's car, behind his mother's car and all  
12 at once -- he sat down first then all at once he  
13 jumped up, he stripped, had his hands up in the air  
14 and he said, see, I don't have anything, I don't have  
15 anything, then he looked at the officers that were  
16 there and he recognized them and he said, I know you.

17 Q. Which officer?

18 A. He was just looking in that direction. He  
19 didn't call no name. Both of them was standing by  
20 themselves.

21 Q. So you're not sure which one he was talking  
22 about?

23 A. No, no.

24 Q. Okay.

25 A. He said you all's some dirty policemen.



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1 And he said, you wanted me to put my pee pee in your  
2 mouth. And that's when the officer advanced to him,  
3 just ran to him and grabbed his arm and put it behind  
4 him and they were wringing this other arm so I  
5 thought they were going to break it because they  
6 couldn't get it behind him and I told Velencia, I  
7 said, they're going to break his arm because that's  
8 the way they were wringing it, just wringing it. And  
9 we were trying to talk to him and calm him down but  
10 he just kept -- the officer kept wringing his arm  
11 trying to get it behind him. Then he just kept  
12 telling his mom, I love you, I love you. And I  
13 caught one of his legs and his mother caught the  
14 other leg then one of the officers got to his phone  
15 and called for help.

16 Q. You pointed to your shoulder, you're  
17 talking about on their police radio?

18 A. Yeah, on the police radio. He came first.

19 Q. Let me make sure here before we get ahead  
20 of ourselves. The officer that took him to the  
21 ground and the officer that was waving his right arm?

22 A. I couldn't tell the difference. Everything  
23 was happening so fast.

24 Q. I understand. But was -- did either of  
25 these two officers --

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1 A. No. They hadn't got there yet.

2 Q. Okay, Officer Dutton and Officer Tabaia  
3 weren't even there yet. Right?

4 A. No, no.

5 Q. Okay. So, it would have been Officer  
6 Holtzclaw and Officer Franklin?

7 A. Yes.

8 Q. Is that right?

9 A. Yes.

10 Q. Do you remember which one put his arm back  
11 and which one was fooling with his other arm?

12 A. Like I said, everything was happening so  
13 fast at that time, no, I don't remember.

14 Q. When Clifton took his clothes off, were you  
15 concerned about his mental state at that point?

16 A. Yes, I was.

17 Q. Okay. Had you ever seen him do anything  
18 like that before?

19 A. No.

20 Q. Okay. Why did you and your daughter get  
21 into this and hold his legs, hold Clifton's legs?

22 A. Because I thought they were going to break  
23 his arm and I figured if we could just hold him  
24 somehow where we could call for help then, you know,  
25 his arm wouldn't get broke because the way they were

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1       wringing it, I just knew his arm was going to get  
2       broke. And that's when I told them just help him a  
3       little bit.

4             Q.     Was Clifton -- let me ask you this. Did  
5       you hear the officers issue any commands to Clifton?

6             A.     No, not until he came up.

7             Q.     Okay. He being Officer Dutton?

8             A.     Yes.

9             Q.     Okay. But the whole time that he's got his  
10       clothes off and the other two officers come up to  
11       deal with him, you never heard them say get on the  
12       ground, give us your arm, anything like that at all?

13            A.     No, no, wasn't nobody saying anything but  
14       Clifton.

15            Q.     Okay. Did Clifton say anything other than  
16       what you've already testified to?

17            A.     Just that he loved his mama.

18            Q.     Okay. All right. So you and your  
19       daughter, do you remember which leg each of you had?

20            A.     I had his right leg and his mother had his  
21       left leg.

22            Q.     Okay. And at that point in time in terms  
23       of physical hands on contact with your grandson, it  
24       was you and Velencia and Officer Franklin and Officer  
25       Holtzclaw?

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1           A.    He walked up very slowly.  He had something  
2           under his arm and I think he had a light.

3           Q.    Flashlight?

4           A.    A flashlight and he just calmly walked up  
5           and he stuck his hand off in there and raised up and  
6           said get them in the house right now.  And I --

7           Q.    You were making a motion with your hand.  
8           What was he doing?

9           A.    Officer Dutton looked like he reached over  
10          into touching Clifton, he looked down off in there  
11          and his hand went down.  That's all I could see.

12          Q.    Okay.

13          A.    And then when he raised up --

14          Q.    Wait, I'm sorry, I'm not trying to  
15          interrupt you, I just want to make sure I understand.  
16          Is Clifton on the ground at this time?

17          A.    Clifton is on the ground at this time.

18          Q.    And is he on his stomach or on his back?

19          A.    He's on his back.

20          Q.    Okay.  Now I'll let you tell your story.

21          A.    He raised, he didn't raise all the way up,  
22          he just came up and said get them in the house right  
23          now.  And I said, why, we're not doing anything.  And  
24          he repeated himself, said get them in the house right  
25          now.  So, they put us in the house.

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1 Q. Okay. Did somebody escort you to the house  
2 or did you just go on your own?

3 A. The first time an officer came halfway.

4 Q. Which officer?

5 A. I don't know.

6 Q. Okay.

7 A. They just came halfway and we went on in  
8 the house. Then when I got in the house I came back  
9 out.

10 Q. Okay. Did Velencia go in the house with  
11 you?

12 A. Yes, she went in the house.

13 Q. All right. And did you see Carlton, what  
14 he was doing at this time?

15 A. He was sitting on the couch at that time.

16 Q. What happened next?

17 A. I came back out.

18 Q. Okay. And what did you see when you came  
19 back out?

20 A. They had him sitting by the tree on this  
21 little edge they had built and they had his hands  
22 behind him and they were about to put the feet up and  
23 one officer said, he's short. I didn't know what  
24 that meant. By that time I ran back in the house  
25 again and I came back out again.

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1 Q. Did you know anything about Carlton  
2 punching the numbers on the keypad on the alarm in  
3 your daughter's house?

4 A. That wasn't Carlton, that was Clifton.

5 Q. I'm sorry?

6 A. That was Clifton.

7 Q. Okay. That's what I meant to say if I  
8 didn't.

9 Did you know about Clifton doing that?

10 A. I heard about it.

11 Q. Okay. But you weren't there when it  
12 happened?

13 A. No, I wasn't there.

14 Q. What were you told about what had happened  
15 with that?

16 A. She said when she got there he was just  
17 punching the keypad on the thing, he was calling for  
18 help.

19 Q. Okay.

20 A. And that's all.

21 Q. Did Velencia tell you about that?

22 A. Yes.

23 Q. What kind of help was he needing that he  
24 was punching the keypad?

25 A. She said that he said he thought somebody

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1 was after him.

2 Q. Did she know who he was talking about that  
3 was after him?

4 A. No.

5 Q. And never told you who he said was after  
6 him?

7 A. No. I don't remember.

8 Q. Okay. When you came back out the second  
9 time after going in the house, what did you see?

10 A. I seen Clifton on the ground and looked  
11 like they were doing CPR but his face was down and I  
12 kind of wondered about that. By that time they  
13 brought me back in again and I came back out again.  
14 I couldn't keep in the house for my grandson.

15 Q. Who was doing CPR, which of these officers  
16 did you think was doing CPR?

17 A. I couldn't tell because their back was to  
18 me. But all I know, I came back in the house and I  
19 said they're doing this, they're doing this and  
20 somebody said CPR, I said I guess but they're doing  
21 this, they're doing this. I said, but his face was  
22 down. It wasn't -- it wasn't like CPR. I know CPR.  
23 I had CPR before.

24 Q. Was he on his back?

25 A. He was face down.

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1 in the ambulance and I couldn't see anything else.  
2 They took off.

3 Q. Okay. From the time that you thought  
4 Clifton was with you to get into your car to go to  
5 the hospital until the time he was put in the  
6 ambulance, about how much time passed?

7 A. Thirty to 45 minutes.

8 Q. Okay. How long were the officers  
9 struggling with Clifton? How long did that go on?

10 A. Like about ten minutes, not long.

11 Q. Okay. Did you speak to any of the officers  
12 after -- from your initial contact and then you and  
13 your daughter held down Clifton's legs and then you  
14 went in and out of the house, from that point forward  
15 did you have any more conversations with any of these  
16 officers?

17 A. There was an officer came in and said  
18 something has gone very wrong.

19 Q. Which officer came in?

20 A. I don't know.

21 Q. Do you know if it was one of the four that  
22 have been named in this lawsuit?

23 A. I don't think so, no.

24 Q. Okay.

25 A. And I asked him, I said, if something's



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1 Q. Okay. And what did they do that you  
2 believe was wrong?

3 A. Number 1, when they had him down on the  
4 ground face down, that was wrong.

5 Q. Okay. What else?

6 A. That was the biggest thing that was wrong.

7 Q. Okay. Anything else?

8 A. And they had him hogtied, I call it  
9 hogtied, they were bringing his foot up. He hollered  
10 he was short. That, I don't know why they would do  
11 that.

12 Q. And in what position was Clifton when he  
13 was restrained with the hovels?

14 A. It was on his legs around this tree, he was  
15 on his knees and he was face up facing the west and  
16 they was bringing his legs up behind him.

17 Q. Okay. So that was in the process of  
18 getting him restrained?

19 A. I guess.

20 Q. Did you see him when he was completely  
21 restrained?

22 A. No.

23 Q. So you don't know if he was on his side or  
24 on his stomach or --

25 A. No, no.

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1 legal definition of hogtied?

2 A. No.

3 Q. And the case is that if the legs and the  
4 hands are separated by 12 inches or less?

5 A. I don't know.

6 Q. Okay. Are you going to take the stand and  
7 say that these officers fixed him up somehow so that  
8 his hands and feet were 12 inches or less?

9 A. They couldn't get his hands and feet up  
10 there. They said he was short.

11 Q. Okay.

12 A. Now, what I seen looked like they were  
13 fixing to do it.

14 Q. Okay.

15 A. I know his hands were behind him and they  
16 were trying to get his feet up and they said he's  
17 short. Now, I know that.

18 Q. I understand that, ma'am.

19 But did you ever see them bundle him up so  
20 that his hands and feet were 12 --

21 A. Not completely, no.

22 Q. Can you let me finish just so the court  
23 reporter can get it down?

24 A. All right.

25 Q. Did you ever see it so that they were

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1 completely done and his hands and feet were less than  
2 12 inches apart?

3 A. No.

4 Q. Is hogtied your word or your lawyer's word?

5 MR. BONZIE: Objection to the form of the  
6 question.

7 Q. (By Mr. Smith) Is hogtied your word?

8 A. What you mean by that because I said it?

9 Q. I asked you, what does hogtied me to you?

10 A. That would be hogtied to me.

11 Q. Okay.

12 (Defendant's Exhibit Number 5 marked for  
13 identification purposes and made part of  
14 the record.)

15 Q. (By Mr. Smith) I'm going to hand you what's  
16 been marked as Defendant's Exhibit Number 5. These  
17 purport to be pictures provided by your attorney to  
18 us and I assume that's your daughter on the top. Is  
19 that your daughter?

20 A. Yes.

21 Q. And I presume that she's trying to describe  
22 for the person who is taking the picture the position  
23 that your grandson was in.

24 A. Yes.

25 Q. Does that look like less than 12 inches to

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1       you between the hands and the feet?

2           A.     Yes.

3           Q.     It does look like --

4           A.     Looks like more.

5           Q.     Okay. There's a difference, less or more.

6           A.     It looks like more than 12 inches.

7           Q.     Exactly.

8                   (Defendant's Exhibit Number 6 marked for  
9                   identification purposes and made part of  
10                  the record.)

11          Q.     (By Mr. Smith) I'm going to hand you what's  
12          been marked as Defendant's Exhibit Number 6, which  
13          purports to be a police report of the interview that  
14          you gave. And I guess you haven't seen that document  
15          either, have you?

16          A.     Oh well.

17                  (A brief pause.)

18                  Yes, he didn't ask me all these questions.  
19          Some of them was right, some of it's wrong.

20          Q.     Okay. I have given you an opportunity to  
21          read the statement, correct, or the report. Correct?

22          A.     Yes.

23          Q.     Now, you started laughing when you were  
24          reading something on Page 1. What was that that you  
25          were laughing about?

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1 Q. They were able to get Armstrong restrained.  
2 The officers told them to go inside the residence.

3 You've said that three times they told you,  
4 you said that's one of the things they did wrong. Do  
5 you think they told you to go inside the residence  
6 because they were concerned about your health?

7 A. They weren't concerned about my health,  
8 they were telling me to get back in there, they  
9 didn't want me to see.

10 Q. That's what you think?

11 A. Yeah, that's what I think.

12 Q. Did you ever ask them?

13 A. No, not at the time. I didn't have time.

14 Q. Okay. So when they take the stand and say  
15 they were turned concerned for her welfare because we  
16 didn't want her to be hit by Mr. Armstrong or kicked  
17 by Mr. Armstrong, you've got nothing to refute that,  
18 do you?

19 A. No, I don't.

20 Q. Okay. Then the next paragraph's pretty  
21 interesting to me, the very last line. I didn't see  
22 them -- I didn't see anything they done wrong, they  
23 were just trying to help him.

24 Did I correctly read that?

25 A. That's what I thought they were doing.

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1 Q. Is that a true statement?

2 A. That's a true statement. That's --

3 Q. That's different than what you said today,  
4 isn't it?

5 A. I wasn't asked a question like that.

6 Q. So this statement is wrong?

7 A. At the time this statement was taken that's  
8 what I thought.

9 Q. So what's happened since then?

10 A. I had time to recap my thinking.

11 Q. I see.

12 The first paragraph, second page, last  
13 line, Griffin stated the officers told Armstrong they  
14 only wanted to take him to the hospital, but, quote,  
15 he wasn't hearing none of that, end quote.

16 Do you see that?

17 A. Let me read it I guess.

18 Q. Excuse me?

19 A. Yes.

20 Q. Did they say that? Did they tell your  
21 grandson that they were trying to help him?

22 A. When we were standing out there, yes, that  
23 was before he took his clothes off.

24 Q. Okay. But you don't think that was a true  
25 statement?